

**MINUTES OF THE
CITY PLANNING COMMISSION
SEPTEMBER 21, 2007
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:06 a.m.

Commission Members:

Present: Caleb Faux, Milton Dohoney, Jr., Rainer vom Hofe, John Schneider and Roxanne Qualls.

Community Development and Planning Staff: Charles Graves, Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Caroline Kellam, Rodney Ringer and Steve Briggs.

Law Department:

Deborah Wyler Allison

APPROVAL OF MINUTES

Submission of the minutes from the August 16, 2007 and September 7, 2007 Planning Commission meetings for approval.

Motion:	Mr. vom Hofe moved approval of the August 16, 2007 and September 7, 2007 minutes.
Second:	Mr. Dohoney
Ayes:	Mr. Faux, Mr. Dohoney, Mr. vom Hofe, Mr. Schneider and Ms. Qualls
Nays:	None, motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation on authorizing the grant of a permanent easement within the right-of-way at 2155 W. Eighth Street to B&B Real Estate Investment and Management Group Ltd.

ITEM #2 A report and recommendation on authorizing the grant of a permanent private sewer easement and a temporary construction easement to Children's Hospital Medical Center.

Motion: Mr. vom Hofe moved approval of Consent Items #1 and #2.

Second: Mr. Schneider
Ayes: Mr. Faux, Mr. Dohoney, Mr. vom Hofe, Mr. Schneider and Ms. Qualls
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #3 A report and recommendation on a proposed zone change from MG Manufacturing General District to RM 0.7 Multi-family Residential District at 3999 Erie Avenue in Oakley.

Ms. Katherine Keough-Jurs, Senior Planner presented this item.

Mr. Schneider recused himself from this item.

GENERAL INFORMATION:

Petitioner: R. Douglas Spitler, President
Episcopal Retirement Homes, Inc.
3870 Virginia Avenue
Cincinnati, OH 45227

Agent for the Petitioner: Daniel J. Hendy
Frost Brown Todd, LLC
201 E. 5th Street
Cincinnati, OH 45202

Purpose: To convert a former industrial site to a nursing home.

BACKGROUND:

Deupree House, located at 3939 Erie Avenue in Oakley, is a not-for-profit independent living community for seniors operated by Episcopal Retirement Homes, Inc. (ERH). In 2005, ERH purchased the property immediately to the east at 3999 Erie Avenue. ERH plans to build two single-story structures on the site, totaling approximately 10,000 square feet in size. Each building will house approximately 12 residents receiving assisted living care in an environment that resembles a single-family home. This “cottage style” care is a national trend that allows elders to live in an assisted living situation that does not differ drastically from life in their own homes, but is licensed as nursing care.

The cottages will be staffed by approximately 13 caregivers: 5 in the morning, 5 in the afternoon, and 3 at night. ERH plans for the cottages to be reached through three access points: an easement from Red Bank Road, the current Deupree House entrance on Erie Avenue, and the Erie Avenue entrance to 3999 Erie Avenue. The Red Bank Road entrance will be used for service and employee traffic only. As there is no traffic light at this entrance, it is not appropriate for visitor use. Visitors will use the main entrance to the Deupree House campus from Erie Avenue. The Erie Avenue entrance to 3999 Erie

Avenue is to be used for emergency vehicles only, and is a required access point per the City's Department of Transportation and Engineering and the Fire Department.

ERH has requested a change in zoning because the MG Manufacturing General District does not permit most residential uses, including nursing homes. The existing Deupree House is located in an RM-2.0 Multi-family Residential District, but ERH has requested a change to the RM-0.7 Multi-family Residential District because this district will allow the cottage-style homes to be built without the need for additional variances.

EXISTING CONDITIONS:

The property is approximately 2.4 acres in size, and is located immediately to the east of the main Deupree House campus on Erie Avenue.

The property surrounding the parcel is as follows:

North: CC-A Commercial Community - Auto and MG Manufacturing General

West: RM-2.0 Residential Multi-Family

South: RM-2.0 Residential Multi-Family and MG Manufacturing General

East: MG Manufacturing General

PLANS:

There are currently no Plans for the Oakley community that encompass or make reference to this property.

PUBLIC COMMENT:

Planning staff held a public conference on this zone change request on September 4, 2007. Six people were in attendance, including representatives ERH and their agent. Two nearby property owners attended, and their primary concern about the zone change was the additional traffic that may be created by the new buildings.

The Oakley Community Council voted to support the request for a zone change from MG to RM-0.7 at their regularly scheduled meeting on September 4, 2007.

ANALYSIS OF THE PROPOSED CHANGE:

The Deupree House has expanded once before in recent years, with a new building placed to the south of the original building. While that new building was initially quite contentious due to its location adjacent to the residential properties on Forest Hill Drive, the administrators from ERH and the Forest Hill Drive neighborhood association came to an agreement that allowed the expansion to occur. This proposed expansion is quite different from the previous one. The plan for Deupree House to build two cottages for a total of 24 assisted living residents is minor in comparison.

This specific expansion aside, the proposal to change the zoning on the property at 3999 Erie can benefit both the Deupree House and the surrounding residential neighborhood. Erie Avenue from Rosslyn Drive westward into the Hyde Park East Neighborhood Business District (NBD) is primarily a residential corridor. The entrance to the Hyde Park Country Club is located along this road, but it otherwise intersects primarily residential streets and private driveways. The MG Manufacturing General District straddles both sides of the Indiana & Ohio railroad tracks (also called the Oasis Line).

South of Erie Avenue, the parcels on the east side of the railroad tracks front Red Bank Road and are primarily industrial or commercial uses while the parcels west of the railroad tracks are primarily residential.

Residents from Forest Hill Drive cited the potential for increased traffic to be their primary concern about this proposed zone change. Based on estimates by ERH staff, the new facility will attract approximately 6 visitors per day for the 24 residents housed there. These visitors will use the main entrance to the Deupree House campus, and will not require an additional curb cut. All other traffic (staff and deliveries) will access the site through the connection from Red Bank Road. The existing access to 3999 Erie Avenue will be used for emergency vehicles only. With the addition of only approximately 6 visitors per day, the increased traffic does not seem to be as great an impact than if this site were redeveloped as an industrial use. Also, the re-zoning of this property will allow the Deupree House to expand without displacing single-family homes.

CONCLUSIONS:

1. A rezoning from the MG Manufacturing General District to RM 0.7 Multi-family Residential District will allow Episcopal Retirement Homes, Inc. to construct the cottage-style buildings on the property to the east of the Deupree House.
2. The RM-0.7 District, which allows the cottages, will prevent the property from being redeveloped as a manufacturing use, which may create additional traffic problems in this area.
3. The Oakley Community Council voted to support this zone change on September 4, 2007.

RECOMMENDATION:

Planning Staff recommended that City Planning Commission take the following action:

Approve the zone change from MG Manufacturing General District to RM 0.7 Multi-family Residential District at 3999 Erie Avenue in Oakley.

DISCUSSION

Ms. Keough-Jurs gave a brief overview of the staff report and presented maps and drawings of the proposed zone change area. She explained that Episcopal Retirement Homes, Inc. (ERH) planned to build two 10,000 square feet “cottage style” buildings that would house approximately 12 residents receiving assisted living care in an environment that resembles a single-family home. She stated that ERH anticipated increase of approximately 6 visitors per day as a result of the new facilities. The visitors would use the main entrance and the staff and deliveries would use the rear entrance. She said that some residents were concerned with the potential for increased traffic. She added that the Oakley Community Council supported the zone change and provided a letter to the Planning Commission members.

Ms. Qualls asked if the service entrance on Red Bank Road was new or existing. Mr. Doug Spitler, President of Episcopal Retirement Homes, Inc. stated that the entrance was an existing entrance. Ms. Qualls asked if staff and delivery drivers currently used that entrance. Mr. Spitler said that the entrance was not being used due to improvements that

were being made. Ms. Qualls asked Mr. Spitler how many staff members were currently using the main entrance and he responded approximately 22 employees per day. Ms. Qualls stated that there would actually be a net reduction in traffic using the Erie Street entrance when the rear entrance was completed.

Mr. vom Hofe asked which entrance was a concern for the neighbors. Ms. Keough-Jurs responded that the residents were concerned about the main entrance on Erie Avenue. When asked, Ms. Martha Kelly, of the Department of Transportation stated that a traffic light was not warranted.

Mr. Faux stated that if ERH does not use the 2.5-acre site for the assisted living cottages it was possible that it could be used for industrial purposes that could create a substantial increase in traffic.

Mr. James Perry, Forest Hill Drive neighborhood resident, stated that the local speed limit on Erie Avenue was 40 mph and that he felt it was excessive. He said that he hoped that the speed limit would be reduced to 25 mph. Mr. Faux asked Mr. Perry if he had checked the accident history of that stretch of Erie Avenue. Mr. Perry stated that he did not have that information and felt that the area was dangerous with the 40 mph speed.

Ms. Qualls stated that she felt that there were two issues, the number of entries and the speed limit on Erie Avenue. She explained that with staff and delivery drivers using the service entrance there would be a net reduction of 19 people using the main entrance on Erie Avenue. She went on to say that the speed limit issue was a separate matter.

Mr. Don Gardner, attorney and Forest Hill Drive neighborhood resident stated that local residents were opposed to the previous expansion and that an agreement settlement was made with ERH in January of 2006 that required staff and service to use the rear entrance. He explained that ERH was in violation of that agreement if the staff and service personnel were currently using the main entrance. He also stated that the main entrance location was dangerous and should be relocated to Red Bank Road.

Mr. Spitler stated that Mr. Gardner was correct that there was an agreement with the neighbors. As a result of the agreement, the main entrance was moved further east away from the Forest Hill Drive entrance.

Mr. Dan Hendy, attorney with Frost, Brown & Todd, stated that the access to the staff/service entrance crossed railroad tracks and could technically be taken away by the railroad.

Ms. Qualls asked Mr. Spitler if he could ensure that the staff would use the rear entrance. Mr. Spitler replied that the staff parking area was located close to the Red Bank Road entrance and that staff would be instructed to use the staff entrance. He said that he could not guarantee compliance but that it would be a staff requirement.

Ms. Kelly stated that SORTA had not yet given permission for vehicles to cross the railroad tracks at the Red Bank Road entrance. An alternate access had been investigated but not resolved. She said that the Department of Transportation (DOTE) was not

opposed to the zone change and felt that the minimal increase in visitors would not make any substantial change in traffic issues. She said that DOTE staff would investigate the 40 mph speed limit which seemed excessive.

Mr. Dohoney stated that the germane issue of the zone change does not seem to be in question. The issue of the speed limit is not germane to the zone change but will still need to be studied by DOTE staff.

Motion:	Ms. Qualls moved approval of Item #3.
Second:	Mr. vom Hofe
Ayes:	Mr. Faux, Mr. Dohoney, Mr. vom Hofe, Mr. Schneider and Ms. Qualls
Nays:	None, motion carried

Mr. Schneider returned to the meeting.

ITEM #4 A report on the Banks Planned Development Amendment approval.

Ms. Margaret Wuerstle, Chief Planner presented this item.

BACKGROUND:

On August 16, 2007 the Planning Commission approved amendments to PD-43 for the project known as The Banks. At the September 7, 2007 meeting, the Planning Commission requested that staff prepare a report outlining the rights given to the developer as a result of the amendments approved for PD-43.

DISCUSSION:

Section 1429-13 of the Zoning Code states: “Following approval of a PD District with a concept plan and development program statement, a final development plan must be submitted to the City Planning Commission. A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan has to conform substantially to the approved concept plan and Development Program Statement.” Substantial conformity to the concept plan and Development Program Statement refers to such items as the allowed uses and the maximum density on the project site. These types of changes are considered major amendments that require approval by City Council. This does not imply that the Planning Commission must approve the maximum limits of any of the regulations set by the approved concept plan and Development Program Statement. Section 1429-15 outlines what issues the Planning Commission must consider when approving the final development plan. Along with other issues the Planning Commission must consider:

Compatibility – the proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses.

Therefore, until the Final Development Plan is submitted with details on location and arrangement of structures, the issue of compatibility cannot be addressed. Once these

details are submitted, the Planning Commission will make a decision on the appropriate heights, product mix and final density.

When PD-43 was originally established on February 17, 2006, the Planning Commission approved the Hamilton County/Cincinnati **Central Riverfront Urban Design Master Plan** (Master Plan) to serve as the Concept Plan and Development Program Statement for The Banks Planned Development District. This plan would provide the conceptual baseline on which future development plans for The Banks would be reviewed and approved. As stated in the August 16, 2007 Planning Commission staff report, “the Master Plan is not entirely being replaced. Only those portions of the Master Plan that deal with density, heights, product mix, street grids and phasing are being modified. It is the intention of the developer to ensure that the overall goals of The Hamilton County/Cincinnati Central Riverfront Urban Design Master Plan are met. The details for each lot will be presented at the Final Development Plan stage.”

In addition, page 12 of the August 16, 2007 Planning Commission staff report specifically states: “Therefore, the developer is requesting that the City Planning Commission approve the specific building heights for each Lot at the Final Development Plan stage.” Accordingly, the Concept Plan and Development Program Statement does not confer “by-right” development rights on PD-43. The Planning Commission must review each phase of the development and a Final Development Plan must be approved before building permits can be issued.

Due to the size, complexity and funding of The Banks project, a Master Development Agreement has been prepared that requires that the Urban Design Review Board (UDRB) review the design plans for this project. The recommendations of the UDRB will be provided to the Planning Commission for consideration in approval of the Final Development Plan for each phase of this project.

It should also be noted that while the Concept Plan and Development Program Statement submitted for the project represents the requests of the developer, the staff report is also a part of the record. The staff report explains and clarifies what is being requested and then recommends the action to be taken by the Planning Commission. The Planning Commission approved the recommendations of the staff report for The Banks PD amendments. The staff report clarified that the developer was requesting City Planning Commission’s approval of the specific building heights for each Lot at the Final Development Plan stage.

The Concept Plan and Development Program Statement describe the uses to be conducted in the PD District and any special regulations that may be appropriate to govern the development. It does not provide for “by-right” development because all PD Districts must obtain Final Development Plan approval from the Planning Commission. The Planning Commission will review the details of the proposed development including the compatibility of the proposed uses, location and arrangement of structures with the surrounding uses.

RECOMMENDATION:

This report is being submitted for informational purposes only. The Planning Commission required no action.

DISCUSSION

Ms. Wuerstle gave a brief overview of the staff report. She explained that no action was required and that the staff report was prepared at the request of the Planning Commissioners at the September 7, 2007 Planning Commission meeting. The report clarifies the rights given to the developer of The Banks as a result of the amendments approved for PD-43. The report explained that The Banks project is not an as-of-right development because the developer must first come back to the Planning Commission before they can pull building permits. She passed out copies of the August 16, 2007 staff report on The Banks with highlighted sections that specifically indicated that the developer was asking for flexibility in product mix and flexibility in heights and, that those issues would be addressed when they come back with the Final Development Plan. She stated that it has been made very clear to the developer that they have to return to the Planning Commission to get approval on the final building heights and other issues.

Mr. Schneider asked if the phasing aspect of the development would be included in either the compatibility section or in another section that was not highlighted. He gave the example of “leap-frog” development and asked if the Planning Commission would be able to require an intact urban fabric. Ms. Wuerstle explained that when the developers were ready to develop a certain block or portion of a block, they would ask the Planning Commission for Final Development approval for that particular section and the Commission, if they wish, can attach conditions to prevent “leap-frog” development.

Ms. Wuerstle presented a drawing that showed the various heights of buildings currently in the downtown area and stated that there were several buildings over 30 stories currently located on Third Street. Ms. Qualls responded that the premise of the original plan was that there would be a step down to the river and there would not be a massing of density at the riverfront. She stated that the relevant issue was whether or not what was being proposed has the potential of actually being consistent with the original vision for the riverfront. Ms. Wuerstle pointed out that it is the developer’s intention to comply with the overall goals and objectives of the Riverfront Master Plan.

Mr. Faux left the meeting at 9:40 a.m.

Ms. Qualls stated that in the original plan there was work done with the coding of materials, sidewalks, etc. She asked where that information was in the context of the revised proposal. Ms. Wuerstle responded that the original Master Plan was not abandoned and that those issues, including architectural design, would be addressed when the developer returns with the Final Development Plan.

Mr. Bailey Pope, developer with the Dawson Company stated that the Master Plan was a grand vision for redeveloping an entire neighborhood that included The Banks properties. He explained that PD-43 was just The Banks property. He said that with the PD amendment they intend to take the Plan to the market and present it to major tenants and extend the Central Business District. Ms. Qualls stated that the intent of the original Central Riverfront Urban Design Master Plan was never to extend the Central Business

District. The intent was to create a new neighborhood between the two stadiums that would not compete with downtown Cincinnati. Mr. Pope stated that there was a potential for economic development. He said that they are hoping to bring new employers and new residents into the Central City, which they feel is in the public interest.

Mr. Faux returned to the meeting at 9:44 a.m.

Mr. Schneider asked if the developers were planning to make a massing model. Mr. Pope responded that a model was currently being constructed that demonstrates how the actual 2.8 million square feet might appear. Mr. Schneider stated that he agreed that it was not a zero sum gain and felt that building an outstanding piece of architecture possibly taller than 30 stories, properly placed, could be a win for everyone. He said that a three-dimensional rendering of the plans would be helpful. Mr. Pope said that in the field of real estate it is imperative to have flexibility in order to market the possibilities. The reality is that if they were able to bring in a Fortune 500 company headquarters, they would only be able to have one 30 story building at best because of the limitation on the total square footage of office space. The concept of a wall of towers is not consistent with what has been presented in the proposal. Mr. Pope explained that if they were able to create the dynamic sustainable neighborhood that they believe was possible, there would be a real possibility of high-rise residential buildings. He said that building nothing but high-rise residential would be inconsistent with the Master Plan and was not their intent. He said that they are interested in creating a dense urban fabric that fills the site and creates vibrant streetscapes, active park space and an exciting urban environment. He went on to say that he still did not want to limit the flexibility.

Mr. Faux felt that part of the confusion in the public mind was the Planned Development District approval process, which was not done often in Cincinnati. The virtue of the process is that it has two steps. The first step outlines general parameters. As-of-right approval is not given. Anything that the developer proposes to build must be presented to the Planning Commission as a Final Development Plan for the Commission's approval on a piece-by-piece basis.

Mr. Schneider stated that he had great confidence in the development team and felt that there should be a clear understanding between the developers and the Planning Commission. Mr. Faux felt that the Planning Commission has made clear that they would be supportive of a single 30-story building in the right circumstances.

Mr. Dohoney stated that there were two levels of communication; with the Planning Commission and the City Council as well as with the public. There have been many versions of what was adopted at the August 16, 2007 meeting. He suggested that the Planning Commission Chairman send out a clarifying op-ed article that states the facts of the amendment. He stated that the City needed to be proactive and provide the facts so that the public can understand and embrace the development.

Mr. Faux asked about the approval process and Ms. Wuerstle explained that the Final Development Plans for each block would be presented to the Planning Commission for approval. The Final Development Plan will not go before the City Council unless it is appealed.

Ms. Wuerstle asked Bailey Pope if it was fair to say that the development team understood that the Final Development Plans would come back before the Planning Commission to be reviewed for compatibility, heights and whether or not the plan was in keeping with the Central Riverfront Master Plan and also that the Planning Commission has a right to deny any request that they feel is out of line with the Central Riverfront Urban Design Master Plan. Mr. Pope responded that they did understand that and additionally that they would be required to go before the Urban Design Review Board.

Mr. Faux explained that the zoning on The Banks site was changed to a Planned Development District to eliminate the as-of-right situation for the developers. The PD approval process involved the Planning Commission in a greater manner than the previous zoning. He felt comfortable that the Planning Commission would have to review each portion of the development while at the same time the developer has the flexibility to market the development to tenants.

Mr. Pope stated that he thought that the flexibility that was built into the current proposal might be causing concern because it does not provide specific plans for each block. The reality is that the development team must look to the market to determine specifics. The flexibility allows the developer to develop the site in an orderly fashion.

Mr. Faux explained that the report was for clarification and that the Planning Commission needed to take no action.

ITEM #5 A report and recommendation on a Final Development Plan for Phase One Development within Planned Development District 50 (PD-50) along Burnet Avenue in the neighborhood of Avondale.

Ms. Caroline Kellam, Senior Planner presented this item.

BACKGROUND

On May 18, 2007, the Cincinnati Planning Commission (CPC) approved a change of zoning from RMX Residential Mixed and CN-M Commercial Neighborhood Mixed to PD and accepted a concept plan and development program statement for PD-50 located on Burnet Avenue in Avondale. On June 6, 2007, Cincinnati City Council also approved this zone change and the concept plan with the development program statement for PD-50. This concept plan represents the first phase of implementation of the Burnet Avenue Urban Renewal Plan.

At their meeting on September 21, 2007, the CPC made a motion to table the Final Development Plan for (PD-50) and have the Urban Design Review Board (UDRB) review certain elements of the design. Particularly, the CPC had concerns on: 1) how the future residential component would relate to the garage, 2) the treatment of the rear elevation of the garage facing the residential units 3) the relationship of the garage to the street and the pedestrian character of the surrounding neighborhood. The CPC wanted the UDRB's comments prior to a determination being made on the Final Development Plan. The Urban Design Review Board has a 14-day public notification requirement. This requirement is met by publishing a notice twice in the City Bulletin prior to holding a

UDRB meeting. Therefore, the Urban Design Review Board will not be able to meet before October 10, 2007. In the interim, the developer would like to submit supplemental information for final review and approval.

DESCRIPTION

PD-50 is within the area bounded on the west by Burnet Avenue, on the north by Hickory Street, on the east by Harvey Avenue and on the south by the southern boundary of 3437 Harvey Avenue, 431 Maple Avenue and the northern boundary of the Post Office property.

Currently this area along Burnet Avenue is predominantly characterized by vacant lots. As the Uptown Consortium acquired properties in the area, older buildings were cleared from the site. Most of the commercial buildings on Burnet Avenue along the length of the project site have been removed. The structures remaining are mostly single-family homes.

FINAL DEVELOPMENT PLAN

A final development plan has been prepared and submitted by DNK Neyer Partnership. Elements of the Final Development Plan include the following:

The redevelopment plan for Phase I calls for a mixed commercial development along Burnet Avenue and a parking structure. The commercial area will consist of two buildings; a six-story medical office building with a parking garage behind the office building and a mixed-use office building for the Cincinnati Herald.

Building	Height	Square Footage/Spaces
Medical Office Building	6 stories - 109' ht.	126,038 square feet gross
Herald Building - mixed use	3 stories - 48' ht.	44,409 square feet gross
Parking Structure	6 levels - 74' ht. (top of stair tower)	1,445 parking spaces

Medical Office Building

In order to reduce the medical office building to a more neighborhood-oriented scale, the building has been designed to break the mass into smaller pieces using different materials and forms. The ground level will be mostly transparent in order to provide a visual connection between the interior environment and the street.

The southern section of the first floor, consists of a curtain wall interspersed with occasional aluminum panels to create a whimsical effect that abstractly interprets the "weaving" concept. The northern section consists of a curtain wall interspersed with occasional Prodema panels to again create a whimsical effect that is child-friendly. The Prodema material is a very sturdy and weather-resistant resin panel that has the look of wood. This material can be seen on the Mayfield Clinic building on the west (southbound) side of Interstate 71 just south of the Smith-Edwards exit.

The upper floors on the southern section of the structure consist of alternating corrugated aluminum panels and windows. A large curtain wall extending from the entrance to the fifth floor, highlights the entrance and breaks up the massing. The sixth floor on the north side cantilevers slightly out over the outdoor dining area, seemingly “punching through” the vertical volume and recalling the “weaving” concept. The northern elevation has the same Prodema material as the rest of the vertical volume described above. The other elevations, including the curved façade of the south side, consist of alternating horizontal bands of corrugated aluminum panels and windows, creating a very modern effect.

The Cincinnati Herald Building

The Cincinnati Herald Building, which will be located at the corner of Burnet and Northern Avenues will anchor the north side of Phase I redevelopment along Burnet Avenue. This building will be mixed-use, with retail and/or a restaurant envisioned for the ground floor, and offices on the top two levels of a three-story building. The design of this building will complement the medical office building and will contribute to the distinct identity of the overall development.

The Burnet Avenue elevation will consist of storefront windows on the first floor. The second and third floors will consist of alternating horizontal bands of Prodema material and windows. Curved aluminum canopies will bracket the corners at the second floor and roof levels. The Northern Avenue elevation will consist of the same materials as the Burnet Avenue elevation. The other, less visible, elevations will consist of alternating horizontal bands of corrugated aluminum panels broken up with Prodema trim pieces and windows.

Parking Garage

The proposed six-level, 1,450-space parking structure (part of Phase I) will be tucked away behind the proposed commercial and residential developments. The residential portion of this PD will be submitted at a later date as Phase IA. Due to the topography of the site, only five of the six levels of parking will be exposed above ground on the east side of the parking structure. Two entries are proposed, both from the extended Northern Avenue. The longest exposed façade of the parking structure will be along Northern Avenue. This façade is also where the most intensive architectural treatment of the façade will occur with design elements intended to break up the massing of the garage and incorporate it into the overall theme of the development. Landscaping will also be provided around the perimeter of the structure where possible, to further soften its edges.

The most important elevation of the parking garage, the one that faces Northern Avenue, is treated with curved metal mesh panels that weave in and out of one another as they follow the column lines and decks of the garage. The other elevations consist partly of the “weaving” concept wrapping around and enveloping the sides of the garage, with the remainder being screened with vertical metal mesh panels. The garage is bracketed by three stair towers that consist of transparent curtain walls with alternating ‘stripes’ of aluminum curtain wall panels. These stair towers will be lighted from the inside and will act as beacons to the community.

Landscaping

A pocket park featuring an outdoor dining and/or gathering area will be located along the Burnet Avenue frontage between the two commercial buildings. Open spaces have been identified between the residential area and the Post Office as well as mid-block along Burnet Avenue. A unified streetscape and landscape design will tie the entire area together and provide a unique identity for the neighborhood.

Lighting

New decorative street lights are being provided as part of the streetscape for Phase I. These lights will be the "Davit Arm" style, similar to what is currently being used nearby along Martin Luther King Drive between Burnet Avenue and Vine Street. The service drive will be lit using the same fixtures. The street lights will be 35 feet high and the service drive lights will be 25 feet high. Pedestrian pathways will be lit with modern-style decorative lights similar to those used in the International Friendship Park. These lights will be 12 to 14 feet high. The service drive will also be lit using recessed lighting under the portion of the building connecting the medical office building and the garage.

Signs

The Uptown Consortium and Cincinnati Children's Hospital Medical Center (CCHMC) are currently working together to develop a comprehensive sign package that encompasses the Uptown district, CCHMC, and Burnet Avenue. This planning is in the very early stages and is not expected to be complete before this development is well into construction. The sign guidelines will need to be reviewed by the Planning Commission at a later date as a major amendment to the final development plan.

Parking Analysis

Use	Approx. Area (s.f.)	Ratio (spaces : s.f.)	Spaces Required
<u>Medical Office Building</u>			
Medical clinic	37,131	1:150	248
Office	88,907	1:400	223
<u>Herald Building</u>			
Office	33,309	1:400	84
Retail	4,093	1:250	17
Restaurant	3,548	1:150	24
Outdoor dining	1,200	1:300	4

Total spaces required for commercial/mixed use: 596

Total spaces provided in parking garage: 1,445

Excess parking will be used by Cincinnati Children's Hospital Medical Center main campus employees.

Density and Open Space

Parcel	Gross Floor Area (s.f.)	Land Area (acres)	Density (F.A.R.)	Open Space Area (acres)
Med Office / Garage	594,654	3.5	3.9	1.1
Herald Building	44,409	0.5	2.0	0.2
Future Northern Ave.		0.8	0.8	
Undeveloped Area		1.0	1.0	
Total	639,063	5.8	7.7	1.3

Statement of Uses

<u>Use</u>	<u>Area (g.s.f.)</u>
<i>Medical Office Building</i>	
Medical Clinic	37,131
Office – General	88,907
<u>Total</u>	126,038
<i>Herald Building</i>	
Office – General	33,309
Retail	4,093
Restaurant	3,548
Common Area	3,459
<u>Total</u>	44,409
<i>Parking Garage</i>	
Parking Garage	468,616

Project Sponsors and Ownership

Ownership

- Uptown Consortium, Inc.
- City of Cincinnati

Sponsors

- Children's Hospital Medical Center
- Sesh Communications, Inc. (Cincinnati Herald)

Future ownership and control

Parcel	Future Owner
Medical Office Building / garage	Cincinnati Children's Hospital Medical Center
Herald Building	Sesh Communications, Inc.
Future right-of-way	City of Cincinnati
Undeveloped area	NTP Development, LLC

Maintenance and upkeep will be the responsibility of the future landowner of each parcel.

The future right-of-way streetscape will be maintained by the adjacent landowner and the vehicular pavement and street lighting will be maintained by the City of Cincinnati. Common spaces in the commercial area will be maintained initially by the developer, and later by a property owners association to be formed by the owners of the medical office building, the parking structure and the Herald Building.

Project Investment

The Uptown Consortium is putting approximately \$5 million into infrastructure improvements to prepare the site for development. The total investment by all the project partners is approximately \$50 million. The City of Cincinnati effectively contributed about \$1 million to the project by selling the city land for \$1 in exchange for the infrastructure improvements.

Phase schedule:

Building	Start construction	Finish construction / core & shell
Combined sewer relocation	October 2007	November 2007
Water main	December 2007	January 2007
Other public utilities	February 2007	March 2007
Road improvements	July 2008	September 2008
Streetscape improvements	September 2008	October 2008
Herald Building	November 2007	July 2008
Parking structure	November 2007	December 2008
Medical Office Building	November 2007	November 2008

CONSISTENCY WITH EXISTING PLANS

This Final Development Plan for PD-50 represents Phase I of the Burnet Avenue Urban Renewal Plan.

CODE REQUIREMENTS

Under Section 1429-15, the City Planning Commission may approve a Final Development Plan for a development in a PD District on consideration of the following:

(a) Consistency

This Plan is consistent with the purpose of the PD District because it:

- Allows for more efficient development of property
- Allows the developer to be more creative with the use of the space, creating a mixed-use development that would not be possible with conventional zoning.
- Includes open space areas interspersed throughout the development, and features landscaping that creates an aesthetically pleasing environment.

(b) Adequate Streets

- The development has an adequate street network

(c) Adequate Infrastructure

The following statements relate to the site infrastructure:

- The developer worked with MSD to determine sufficiency of sewer credits and impact
- The developer worked with GCWW to ensure no interference with water mains, and appropriate hydrants and sprinkling.
- The developer worked with DOTE to determine roadway design.

(h) Sufficiency of Provisions for Maintenance of Common Areas

The Burnet Avenue and Northern Avenue streetscapes and other common spaces in the commercial area will be maintained initially by the developer, and later by a property owners association to be formed by the owners of the medical office building, the parking structure and the Herald Building.

(f) Compatibility

The proposed uses and arrangement are compatible with surrounding land uses because:

- The site is located near commercial uses, but is also adjacent to several residential streets. The mix of uses proposed in the Burnet Avenue development is consistent with uses found in the area. The low-intensity of the residential and office uses are compatible with the nearby residential neighborhood.
- The development will assist in the continued revitalization of this important commercial corridor.

FINDINGS

The Burnet Avenue Redevelopment will be an asset to the Avondale community and will helped to spur additional revitalization efforts in the Burnet Avenue Business District. This project offers a good mix of uses, high quality construction and design that is compatible with the neighborhood.

Therefore, it is the opinion of staff of the Department of City Planning that the proposed Burnet Avenue Redevelopment Phase I is in compliance with Section 1429-15 “Planning Commission Approval of Final Development Plan”. The proposal is consistent with the purpose of the Planned Development District Regulations and the approved Concept Plan and Development Program Statement.

RECOMMENDATION

The staff of the Department of Community Development and Planning recommends that City Planning Commission take the following actions:

Approve the Final Development Plan for Burnet Avenue Redevelopment Phase I within PD-50 with the following conditions:

The Developer must provide the following items:

1. Final, approved roadway plans including all utilities, traffic signals, street lighting, pavement marking and signing.

2. Final, approved plat showing the consolidation of property and outlining the new rights-of-way for the public improvements. This also includes an additional six feet of right-of-way along the west side of Harvey from Erkenbrecker north to the project limits.
3. The landscaping and sidewalk plan, as shown, has not been approved by DOTE. Any nonstandard items within the right-of-way must be approved by DOTE and may require a revocable street privilege.
4. A plan for a landscape buffer behind the parking structure along Harvey Avenue must be approved by DOTE and Planning.

DISCUSSION

Ms. Caroline Kellam gave a brief overview of the staff report and presented maps and drawings of the site. She explained that the residential portion of the original Concept Plan was delayed and would not be included in the Phase I Final Development Plan. She distributed a new recommendation page to the Planning Commissioners and gave a brief overview of the new recommendations. She stated that the Department of Transportation and Engineering had not yet approved some portions of the plan. She also pointed out that since the residential units were not being built the residents on Harvey Avenue would be facing the parking garage and staff recommended that the developer provide screening until the residential portion is built.

Mr. vom Hofe stated that the garage was an issue when the Concept Plan was being discussed. He said that on the plans, the garage appeared to be of open construction with vehicles visible from the outside.

Mr. Matt Latham, of DNK Architects stated that the Final Development Plan being presented was for one of the parcels in the PD. Another Final Development Plan will be submitted for the residential portion of the project, which is planned for construction in the summer of 2008 while the commercial and retail buildings are under construction. He stated that there was no opposition to the conditions listed in the staff recommendations. He gave an overview of the Final Development Plan and presented a map and drawings. He stated that the goal of the project was to break up large masses through the use of a “weaving” theme in order to be neighborhood friendly. He described the unique treatment of the garage façade and said that the parking garage would be a piece of architectural sculpture and not just a concrete box. The vehicles would be screened from the outside of the garage. He detailed the phasing process and stated that the Community Council supported the project.

Mr. Schneider asked the height of the East elevation of the parking structure. Mr. Latham said 3-4 stories above grade with the stair towers measuring 74 feet in height. Mr. Schneider asked about the northeast view facing Harvey Avenue and Mr. Latham said that the open area was a mistake and that there would be a landscape buffer.

Mr. Latham stated that they were working with a developer to create a plan for the residential project that would be in compliance with the Concept Plan.

Ms. Qualls stated that the prior and current presentations showed that there were limitations to approving Concept Plans and then doing final approvals on a piecemeal basis. She said that she had concerns with how the garage would meet the street and sidewalk. Mr. Latham responded that the pedestrian activity was on Burnet Avenue and that there would be landscaping.

Mr. vom Hofe stated that he was concerned with fitting the garage into the project and proposed to have the Urban Design Review Board review the project and forward their findings to the Planning Commission before approval is given. He said that he was also concerned with the rear yards in the residential component. Mr. Latham responded that urban development was supposed to be dense and close. He said that the community was eager for the redevelopment and that beginning Phase I construction would inspire confidence in the community and provide a catalyst for future redevelopment.

Mr. Faux said that the Urban Design Review Board usually reviewed downtown projects. Ms. Wuerstle responded that this was an unusual request and that she would have to check on meeting times.

Mr. Faux stated that concerns with the scale of the parking garage had been expressed at the Concept Plan stage. He asked if it would be possible to take the garage one level below grade. Mr. Latham stated that doing so would create 50,000 cubic yards of earth that would need to be sent to a landfill. That would be less efficient, more expensive and an environmental disturbance. Mr. Faux responded that holes were frequently dug and Mr. vom Hofe added that it was just dirt and not garbage.

Ms. Qualls felt that the issue was whether the project would contribute to the neighborhood and stated that she supported sending the proposed Final Development Plan to the Urban Design Review Board.

Mr. Schneider stated that he was concerned that the residential portion of the project would never take place. Mr. Latham said that they could not present the Final Development Plan to the Planning Commission until details have been finalized. He said that the residential piece was crucial and important to the Uptown Consortium. He added that if the retail/commercial piece of the project was delayed to await design of the residential parcel, the contracted tenants would be negatively impacted.

Ms. Qualls stated that in prior discussions regarding the two-step process of Planned Development Districts there were assurances that there would be ample opportunity to change or deny portions of Final Development Plans. In this situation it seems we are being told that we cannot make changes to this second stage. Mr. Faux stated that changes can be made and that the concern with the scale and height of the garage was raised previously. The developers need to listen to concerns that were raised at the Concept Plan stage.

Mr. Schneider stated that he did not support approval of the Final Development Plan as presented. He suggested adding townhouses to the plan and a living wall to enhance the garage. Mr. Latham said that the living wall may be appropriate and he was open to considering that option.

Ms. Qualls stated that she supported sending the proposal to the Urban Design Review Board. Mr. Dohoney explained that the UDRB was advisory to the City Manager and could be convened. Comments from the Planning Commission could be forwarded to the UDRB.

Mr. Latham stated that they had an upcoming dedication ceremony and an aggressive construction schedule. He requested that the matter be moved forward as quickly as possible.

Mr. Faux stated that he felt that the concerns were the height of the garage, the distance between the garage and residential units, development of the residential portion and how the garage and other buildings meet the sidewalk and street.

Mr. Graves asked if the Planning Commissioners wanted the applicant to return to the Planning Commission after the UDRB had an opportunity to review the proposal and make comments. Mr. Faux said yes and added that the applicant could use the UDRB comments or suggestions to make changes to the Final Development Plan if warranted.

Mr. Dohoney stated that he would try to schedule an UDRB meeting as soon as possible. He added that the Community Council and Children's Hospital are supportive of the project. He stated that the comments from the UDRB should come through the Planning Department and be presented in a staff report.

Mr. Latham asked if a change in the current plan would be necessary for approval. Mr. Schneider stated that he would not support the current plan. Mr. vom Hofe suggested adding underground parking below one or both of the retail/commercial buildings. He felt additional construction traffic was not a concern. He also said that he understands financial concerns but the applicant has not presented anything that shows that they explored this possibility.

Mr. Latham stated that any major changes to the plan could take potentially take up to 6 months to make. He said that the changes that have been suggested were more of Concept Plan stage changes. He added that they would be agreeable with going to the UDRB.

Mr. Faux said that the Planning Commission was asking the applicant to go to the UDRB and then return to the next Planning Commission meeting to talk about their comments. He stated that the Planning Commission had the right to look closely at Final Development Plans and make decisions based on those plans. He went on to say that the Planning Commission did not want to set the precedent that when a Final Development Plan is presented, the Commission's right to ask for changes has been forfeited. Ms. Qualls agreed and said that applicants should not present a final plan expecting a rubber stamp.

Mr. Latham conferred with his client and requested that the Planning Commissioners vote on the item.

Mr. Dohoney stated that according to Robert's Rules the motion has been made and the mood of the members is clear.

Motion: Mr. vom Hofe moved to table Item #5.
Second: Mr. Dohoney
Ayes: Mr. Faux, Mr. Dohoney, Mr. vom Hofe, Mr. Schneider and Ms. Qualls
Nays: None, **motion carried**

DIRECTOR'S REPORT

Mr. Graves stated that he'd like to share information and make some announcements. He said that he had scheduled individual lunches with all of the Planning Commission members and had been out in the community. He said that he hoped to meet with all of the Community Councils before the end of the year.

He explained that the new Manufacturing Agricultural District had been presented to the Economic Development Committee. Due to the concerns of a number of citizens, the Economic Development Committee is requesting to have the Planning Commission reconsider the item. He said that Ms. Wuerstle had conversations with the community and felt that they were close to a resolution. The item will be presented at the second Planning Commission meeting in October. Ms. Wuerstle stated that the Economic Development Committee wanted the Planning Commission to reconsider adding the landfill property to the district.

Mr. Graves said that he would be setting up Planning Commission work sessions over the next year to talk about policies, procedures and form-based coding. He stated that he had attended a public conference on St. Aloysius and in response to residents requests asked the Planning Commissioners to consider holding Planning Commission meetings in the evening (not on Friday) and in a neighborhood location.

Mr. Faux stated that the Planning Commission had done that once before in Oakley. He agreed that holding evening meetings out in the neighborhoods would be more convenient for the public. Ms. Qualls said that she supported holding meetings in the evening.

Mr. Graves said that he met with Ron Miller, of the Regional Planning Commission and informed the Commissioners that the County sponsors training for Planning Commissioners. Mr. Schneider said that he attended the ethics trainings and felt that it had been beneficial. Mr. Graves said that training could be tailored for the Planning Commission's needs. Ms. Qualls asked if the City would pay for the training. Mr. Graves responded that he would look into that.

Mr. Graves said that he attended a seminar at University of Cincinnati's Urban Design Center on The Banks Project. He felt that it was enlightening for the participants and thought that an op-ed article would be a good idea.

He said he had some ideas to improve the Planning Commission process such as using PowerPoint slides and providing a podium for presentations.

ADJOURN

Motion: Mr. vom Hofe moved to adjourn.
Second: Mr. Dohoney
Ayes: Mr. Faux, Mr. Dohoney, Mr. vom Hofe, Mr. Schneider and
Ms. Qualls
Nays: None, **motion carried**

Charles C. Graves, III
Director, Department of City Planning

Caleb Faux, Chair

Date: _____

Date: _____